

REMARKS

Claims 39-42 and 44, as amended, remain herein. The amendments to claims 39 and 41 are supported by applicants' original disclosures including original Figs. 1, 2A-C, 3A-G, 4B and 5A. More specifically, the following portions (1)-(4) of the amended language of claims 39 and 41 are supported by the below-noted portions of applicants' original disclosure:

(1) "having a main data and control data area"

--Fig 3A, FIRST RECORDING AREA (MAIN DATA)

--Page 6, lines 8-9 (pub. ¶ [0030], line 13):

"control data is main data."

--Page 6, line 20 (pub. ¶ [0030], line 24):

"control data in the main data"

(2) "data recorded therein as pits"

--Fig. 1, first recording area 919

--Page 4, lines 26-27, (pub. ¶ [0027], lines 6-7):

"A laser records the modulated signal as pits in the first recording area 919"

--Page 7, line 20, (pub. ¶ [0032], line 1):

"The modulating signal is recorded as pits"

(3) "second recording area located radially inward of the first recording area"

--Fig. 3A, SECOND RECORDING AREA

--Fig. 4B, reference numerals 919 and 920.

(4) "auxiliary information is recorded as . . . stripe patterns on pits"

--Page 1, line 32, to page 2, line 1, (pub. ¶ [0005], lines 1-4):

"the pit portions of optical disks are provided with an additional recording area or Burst Cutting Area (. . .BCA) . . . "

--Figs. 1 and 2B, as explained at page 4, lines 11-15, (pub. ¶ [0029], lines 1-5):

"BCA stripes are formed on the disk."

--Page 7, lines 20-28, (pub. ¶ [0032], lines 1-9):

"modulating signal is recorded as pits"

"the BCA signal is a low frequency signal like low frequency signal part 932"

"auxiliary data is a low frequency signal 932"

--Fig 5A, low frequency signal part 932

--Also see the following part 1, below, of these Remarks.

1. Applicants amend one word and one reversal of numerals in their specification, which errata were only very recently discovered to be clerical and typographical errors inconsistent with the remainder of applicants' original disclosure.

A. At page 6, line 8 of the original specification, (pub. ¶ [0030], line 12) one word is corrected, as follows:

. . . the radial position of the control data 924 in the innermost edge of the first second recording area 919. The control data is main data . . .

The word "second" in the above-quoted sentence was erroneously used in reference to first recording area 919.

This correction is supported by several other portions of applicants' original disclosure, namely:

--page 4, line 27, (pub. ¶ [0027], lines 6-7)

"first recording area 919"

--page 5, lines 2-3, (pub. ¶ [0027], line 16):

"second recording area 920"

--Figs. 1 and 4B, reference numerals 919 and 920.

--page 6, line 27, (pub. ¶ [0030], line 31):

"second recording area 920,"

B. Further, at page 7, lines 25-28, (pub. ¶ [0032], lines 6-8), typographically reversed reference numerals are corrected, as follows:

. . . high frequency signal 933 932 . . . shown in Fig. 5a, and the auxiliary data is a low frequency signal 932 933 . . .

The reference numeral 933 designates the high frequency signal, and the reference numeral 932 designates the low frequency signal, as indicated by several other portions of applicants' original disclosure, namely:

--Fig. 5A, reference numerals 933 and 932

--page 7, lines 22-24, (pub. ¶ [0032], lines 3-5):

"high frequency signal part 933 in Fig. 5a is obtained. However, the BCA signal is a low frequency signal like low frequency signal part 932."

--Fig. 4A, reference numeral 933 HIGH FREQUENCY SIGNAL, and reference numeral 932 LOW FREQUENCY SIGNAL

Accordingly, no new matter is included in the corrective amendments to applicants' specification, and entry of those amendments is respectfully requested

2. Refusal to enter applicants' "submitted new drawing Fig 3A," as allegedly containing new matter, is mooted by applicants' withdrawal of their previous request to enter that substitute drawing.

3. Applicants note and appreciate the acceptance and recordal of the Terminal Disclaimer filed herein on July 10, 2008.

4. Claims 39 and 41 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement because they allegedly recited new matter not supported in applicants' original disclosure. The phrase "overlapping the most radially inward portion of said first recording area" has been deleted from applicants' claims thereby mooting this rejection. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

5. Claims 39-42, and 44 were rejected under 35 U.S.C §103(a) over Sekiguchi et al U.S. Patent 5,253,241 in view of Fujiwara U.S. Patent 5,251,011.

Applicants' invention, as now recited in independent claims 39 and 41, is an optical disk and reproducing method for an optical disk, which disk comprises:

a first recording area having a main data and a control data area with such data recorded therein as pits,

a second recording area located radially inward of the first recording area and having auxiliary information including disk identification information unique to said optical disk recorded therein, wherein said auxiliary information is recorded as circumferentially arranged multiple stripe patterns on pits, each stripe of which extends along a radius of the disk; and

a control data area in the first recording area comprising an auxiliary information presence indicator indicating whether said stripe patterns are present or not in the second recording area, wherein said stripe patterns have a lower reflectivity than an average reflectivity of an area between one stripe pattern and another stripe pattern.

As clearly recited in applicants' claims, one element of the claimed invention is "an auxiliary information presence indicator" located in a control data area in the first recording area, for indicating whether said stripe patterns are present or not in the second recording area. That is, the auxiliary information presence indicator is located in a different area from the auxiliary information recorded in the recited multiple stripe patterns. The Office Action seemed to misunderstand applicants' invention was one in which the cited auxiliary information presence indicator indicated whether such an indicator itself is or is not present.

The Office Action (page 8, paragraph 15) expressly admitted that Sekiguchi did not disclose "wherein said stripe patterns have a lower reflectivity than an average reflectivity of an area between one stripe pattern and another stripe pattern." The Office Action alleges that Sekiguchi discloses the concept of reading an information signal on the basis of a resultant reflective beam from an optical reproduction disk. However, the purpose of the Sekiguchi system is to automatically compensate focus offset of two optical heads. Sekiguchi includes two recording areas, identified by reference numerals 1 and 2 in Sekiguchi's Fig. 6, which areas are used by two optical heads (as shown in Sekiguchi Figs. 2, 3 and 6). Sekiguchi's recording area 1

includes main data and auxiliary data which are used only by Sekiguchi's first optical head. Sekiguchi's recording area 2 has both main data and auxiliary data which are used only by Sekiguchi's second optical head. In addition to the specific stripe patterns which the Office Action admits Sekiguchi does not disclose, Sekiguchi does not disclose an auxiliary information presence indicator as recited in applicants' claims. Furthermore, Sekiguchi does not disclose that such an auxiliary information presence indicator is for indicating the presence of stripe patterns. And, Sekiguchi does not disclose auxiliary information recorded as BCA stripes on pits.

Sekiguchi's auxiliary signal is a frequency signal for adjusting focus offset which has nothing to do with an auxiliary information presence indicator as recited in applicants' claims. Even if Sekiguchi's auxiliary signal can be detected, it cannot indicate whether or not stripe patterns are present in a disk. There is simply no disclosure or teaching in Sekiguchi of the above-discussed elements of applicants' claimed invention, and there is no disclosure in Sekiguchi that would have suggested applicants' presently claimed invention to one of ordinary skill in this art.

The Office Action alleges that Fujiwara discloses stripe patterns having a lower reflectivity than an average reflectivity of an area between one stripe pattern and another stripe pattern. But Fujiwara was directed to a common displacement detection system. Like Sekiguchi, Fujiwara does not disclose an auxiliary information presence indicator as recited in applicants' claims, does not disclose such an auxiliary information presence indicator for indicating the presence of stripe patterns, and does not disclose auxiliary information recorded as BCA stripes on pits. Fujiwara, like Sekiguchi does not disclose all elements of applicants' presently claimed invention, nor does Fujiwara disclose anything that would have suggested applicants' claimed invention to one of ordinary skill in this art.

Nor is there any disclosure or teaching in Sekiguchi or Fujiwara, or anything else in this record, that would have suggested combining or modifying any portions of any of those references to thereby suggest or render obvious applicants' presently claimed invention to one of ordinary skill in this art. Accordingly reconsideration and withdrawal of this rejection are respectfully requested.

For all the foregoing reasons, all claims 39-42 and 44 are now fully in condition for allowance. The PTO is authorized to charge/credit any overpayments and/or underpayments of fees to Deposit Account No. 19-4293. Should the Examiner feel that additional changes would place this application in even better form for issue, the Examiner is invited to telephone applicants' undersigned attorney at the number listed below.

Respectfully submitted,

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Date: March 3, 2010

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Attorney Docket No.: 28951.2011/C11